

REMARKS

Reconsideration and allowance of pending Claims 1-11 and 46-53 in view of the following remarks, are respectfully requested.

Rejections under 35 U.S.C. §101

Claims 1-11, 13-18, 20-34, 37-38 and 54-56 are rejected under 35 U.S.C. §101. Claims 1-11 remain pending in the instant Application. Applicant has amended claim 1 to include the subject matter “identifying a reinsurance product based on information *stored in a database associated with a system.*” (Emphasis added.) The inclusion of at least the indicated subject matter renders the rejection moot. Therefore, reconsideration and withdrawal of the rejection under 35 U.S.C. §101 are respectfully requested.

Rejections under 35 U.S.C. §103(a)

The following rejections under 35 U.S.C. §103(a) were made in the outstanding Office Action:

- **Claims 1, 3-11, 13-18, 20, 22, 24, 25, 27-34, 37, 38, 46, 48-50, and 53-56** were rejected as being unpatentable over Erlanger (U.S. Patent 6,594,635; hereafter “Erlanger”) in view of Wu (U.S. Patent 7,200,570; hereafter “Wu”), and further in view of Kinney, *et al.*, (U.S. Patent 6,871,191; hereafter “Kinney”);
- **Claims 2, 21, 26, 47, 51, and 52** were rejected over Erlanger, Wu, Kinney and further in view of Klaus (U.S. Patent 7,080,020; hereafter “Klaus”); and
- **Claim 23** was rejected over Erlanger, Wu, Kinney in further view of Klaus, and further in view of Grownay, *et al.*, (U.S. Patent 7,062,460; hereafter “Grownay”).

Applicant respectfully traverses these rejections for at least the reasons that follow, and further requests that these rejections be reconsidered and withdrawn. Not, only those claim rejections associated with the claims that remain pending are addressed herein. The rejections of the canceled claims are considered moot. The claims are canceled without prejudice or disclaimer.

Applicant respectfully disagrees with the characterization of Erlanger, Wu, and Kinney, with regard to Claim 1. In particular, Applicant respectfully submits that none of Erlanger, Wu, or Kinney teach or suggest, at least the following features recited in Claim 1:

accepting bids for at least a portion of the capacity, wherein the step of accepting bids comprises

providing a status for the bids, the status comprising one of OK, Partial OK, and Excluded, the status OK representing that a bid will be accepted, the status Partial OK representing that only a portion of the capacity in a bid will be filled, and the status Excluded representing that a bid will not be accepted;

ranking the bids, wherein the ranking of the bids at least considers a calculated profitability value and a time stamp associated with each of the bids, an older time stamp resulting in a higher ranking for a given bid and a higher calculated profitability resulting in a higher ranking for a given bid; and

consummating a contract for the sale of at least a portion of the reinsurance product to holders of winning bids, and assigning each of the winning bids a status of OK denoting acceptance of a bid, or a status of Partial OK denoting only a portion of requested capacity will be filled.

More particularly, going beyond the acknowledgement that Erlanger does not teach “sale of product (reinsurance) through action and ranking the bids, wherein the ranking of the bids at least considers a calculated profitability value and a time stamp associated with each of the bids,” In addition, Applicant submits that the *combined references* do

not teach, or even suggest, “ranking the bids, wherein the ranking of the bids at least considers a calculated profitability value and a time stamp associated with each of the bids, an older time stamp resulting in a higher ranking for a given bid and a higher calculated profitability resulting in a higher ranking for a given bid,” as in Claim 1.

The rejection submits that Wu compensates for the acknowledged deficiency of Erlanger by citing Wu, Fig. 2; col. 2, lines 36-43; col. 3, lines 37-39; and col. 6, lines 36-43. Applicant respectfully disagrees.

In particular, the “ranking” of Claim 1 is implemented as part of the recited step of, “*accepting bids*,” (emphasis added). On the other hand, Wu describes bids having multiple attributes *to be submitted by bidders* before the bids are submitted (Wu, col. 2, lines 40-45). Thus, Wu describes a bid being assigned one or more attributes by the bidder without any *ranking* of the bids based on the attributes by the bidder, and there is no implication to that effect. That is, the *bidder*, as contemplated by Wu, is unable to even calculate a profitability value of the bid to be submitted or have knowledge of a time stamp *for each of the bids*, as recited in Claim 1. Accordingly, one of ordinary skill is presented with no teaching that would even lead to consideration of a ranking of bids considering a calculated profitability value and time stamp for each bid, as in Claim 1.

Accordingly, for at least the reasons set forth above, it is respectfully submitted that Claim 1 is clearly distinguishable over the proposed combination of Erlanger, Wu, and Kinney. As a result, Applicant further submits that Claims 3-11, which depend from Claim 1, are also distinguishable over Erlanger, Wu, and Kinney for at least the reasons set forth above.

Applicant respectfully submits that the system recited in **Claim 46**, in particular the web server recited therein, is distinguishable over the proposed combination of Erlanger, Wu, and Kinney.

In particular, it is acknowledged that Erlanger does not “teach an auction and auction participant database and an auction ranking element engine, wherein the ranking of the bids at least considers a calculated profitability value and a time stamp associated with each of the bids.” The rejection continues, though, to submit that Wu compensates for the acknowledged deficiency citing Wu, Fig. 2; col. 2, lines 36-43; col. 3, lines 37-39; and col. 6, lines 36-43. Applicant respectfully disagrees.

In particular, the “ranking” of Claim 46 is implemented relative to “bids *submitted* to the database,” (emphasis added). On the other hand, Wu describes bids having multiple attributes before the bids are submitted (Wu, col. 2, lines 40-45). Thus, Wu describes a bid being assigned one or more attributes by the bidder without any *ranking* of the bids based on the attributes by the bidder, and there is no implication to that effect. That is, the *bidder*, as contemplated by Wu, is not able to calculate a profitability value of the bid to be submitted or have knowledge of a time stamp *for each of the bids*, as recited in Claim 46. Accordingly, one of ordinary skill is presented with no teaching that would even lead to consideration of a ranking of bids considering a calculated profitability value and time stamp for each bid, as in Claim 46. Moreover, none of the documents relied upon, whether taken together or standing alone, teaches or suggests the amended subject matter of Claim 46 including at least: “the ranking of the bids at least considers a calculated profitability value, the calculated profitability value being a return on sales ratio being a selling price divided by the fair risk price, and a time stamp associated with each of the bids, a higher calculated profitability value for

a given bid and an older time stamp for the given bid resulting in a better ranking level when compared to another bid that has lower calculated profitability value and a newer time stamp. ”

Accordingly, for at least the reasons set forth above, it is respectfully submitted that Claim 46 is clearly distinguishable over the proposed combination of Erlanger, Wu, and Kinney. As a result, Applicant further submits that Claims 48-50 and 53, which depend from Claim 46, are also distinguishable over Erlanger, Wu, and Kinney for at least the reasons set forth above.

Therefore, for at least the reasons set forth above, it is respectfully submitted that the rejection of Claims 1, 3-11, 13-18, 20, 22, 24, 25, 27-34, 37, 38, 46, 48-50, and 53-56 under 35 U.S.C. §103(a) should be reconsidered and withdrawn.

Regarding dependent **Claims 2, 21, 26, 47, 51, and 52**, it is respectfully submitted that Klaus does not compensate for the above deficiencies of Erlanger, Wu, and Kinney, relative to the respective independent claims from which the presently rejected claims depend. Therefore, it is respectfully submitted that the present rejection under 35 U.S.C. §103(a) should be reconsidered and withdrawn.

Regarding dependent **Claim 23**, it is respectfully submitted that Klaus and Grownay do not compensate for the above deficiencies of Erlanger, Wu, and Kinney, relative to the respective independent claims from which the presently rejected claims depend. Therefore, it is respectfully submitted that the present rejection under 35 U.S.C. §103(a) should be reconsidered and withdrawn.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the present application is now condition for allowance, and a Notice to that effect is earnestly solicited. However, if there are any remaining matters that may be handled by telephone conference, the Examiner is kindly invited to contact the undersigned attorney at the telephone number listed below.

Respectfully Submitted,

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